

**Emergency Notice for Fuel Hazard Reduction, 2008**

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**Amend § 1052.4. Emergency Notice for Fuel Hazard Reduction**

The RPF preparing the Notice of Emergency Timber Operations for Fuel Hazard Reduction shall describe the nature of the emergency and the need for immediate cutting in sufficient detail so that the reason for the emergency is clear. Emergency timber operations, under the presumed emergency standard of 14 CCR § 1052.1, may be commenced and conducted when in conformance with the following:

(a) RPF develops and documents the vegetative treatments necessary to meet the goals of 14 CCR § 1052.1(e), and ensures post harvest conditions are in accordance with all subsections in § 1052.4. Such documentation shall include the following:

(1) A description of the preharvest stand structure and statement of the postharvest stand stocking levels.

(2) A description of the criteria to designate trees to be harvested or the trees to be retained.

(3) All trees that are harvested or all trees that are retained shall be marked or sample marked by or under the supervision of a Registered Professional Forester before felling operations begin. When trees are sample marked, the designation prescription for unmarked areas shall be in writing and the sample mark area shall include at least 10% of the harvest area to a maximum of 20 acres per stand type which is representative of the range of conditions present in the area.

(4) Post harvest compliance shall be determined by the combination of physical measurements and observations. Post harvest compliance shall be met on at least 80 percent of the project area as calculated excluding WLPZs and other wildlife protection requirements developed in accordance with 14 CCR § 1052.4 (e).

(b) The conditions of subsection 14 CCR § 1038 (b)(1) through (10) are applied or, for operations in the Lake Tahoe Basin, (f)(1) through (14) are applied.

(c) Geographic area: operations are permitted:

(1) Within ¼ mile from approved and legally permitted structures that comply with the California Building Code (legal structure). Such legal structures shall be within or adjacent to a community listed in the "California Fire Alliance list of Communities at Risk" (copyright date 2003 on file in the official rulemaking file and incorporated by reference) and have densities greater than 1 structure per 20 acres.

(2) Within 500 feet of a legal structures outside the area defined in § 1052.4(c)(1);

(3) Within 500 feet of either side of a public or federal road;

(4) Within 500 feet on either side of a private road

1 providing access to legal structures;

2 (5) Within 500 feet on either side of a mainline haul road  
3 necessary for fire suppression or evacuation as identified in a fire  
4 prevention plan or with the written concurrence of a public fire  
5 agency and as accepted by the Director.

6 (6) Within 500 feet on either side of ridges suitable for  
7 fire suppression as identified in a fire prevention plan or with the  
8 written concurrence of a public fire agency and as accepted by the  
9 Director.

10 (7) Within 500 feet of infrastructure facilities such as  
11 transmission lines or towers or water conduits.

12 (d) Vegetation Treatments: Tree removal shall target understory  
13 trees. The residual stand shall consist primarily of healthy and  
14 vigorous dominant and codominant trees from the preharvest stand.  
15 Standards listed shall be met by retaining the largest diameter trees  
16 in the preharvest project area.

17 (1) The quadratic mean diameter of trees greater than 8  
18 inches dbh in the preharvest project area shall be increased in the  
19 post harvest stand.

20 (2) Only trees less than 24 inches outside bark stump  
21 diameter may be removed except under the following condition. If the  
22 goal of fuel reduction cannot be achieved by removing trees less than  
23 24 inches outside bark stump diameter, trees less than 30 inches  
24 outside bark stump diameter may be removed if that removal is  
25 necessary to meet the fuel objectives stated in 14 CCR § 1052.1 (e).

(3) (A) Minimum post treatment canopy closure of dominant  
and codominant trees shall be 40 percent for east side pine forest  
types; 50 percent for coastal redwood and Douglas-fir forest types in  
or adjacent to communities and legal structures referenced in  
subsection § 1052.4(c)(1) and (2); 60 percent for coastal redwood and  
Douglas-fir forest types outside of communities and legal structures  
referenced in subsection § 1052.4(c)(1) and (2); and 50 percent for  
mixed conifer and all other forest types.

(B) Post treatment stand shall contain no more than  
200 trees per acre over 3 inches in dbh.

(4) Stocking shall meet commercial thinning requirement of  
14 CCR § 913.3 [933.3, 953.3] immediately upon completion of  
operations.

(A) In the High Use Subdistrict of the Southern Forest  
District where preharvest tree stocking does not meet commercial  
thinning requirement of 14 CCR § 953.3, the basal area minimum  
stocking standards for Selection Unevenaged Management in 14 CCR §  
953.2 (a)(2)(A)1., 2., and 3., shall be met following harvesting.

(B) In areas where preharvest tree stocking does not  
meet commercial thinning requirement of 14 CCR § 913.3 [933.3, 953.3],  
and as necessary to establish or maintain an unevenaged stand  
structure, minimum stocking standards for Selection Unevenaged  
Management in 14 CCR § 913.2[933.2, 953.2] (a)(2)(A)1., 2., 3.  
and 4., shall be met following harvesting.

1           **(5) (A)** This subsection applies to geographic areas listed  
2 in 14 CCR § 1052.4 (c) (2) and (6), and to areas within 500 feet of  
3 structures in 14 CCR § 1052.4(c)(1). ~~Notwithstanding wildlife habitat~~  
4 ~~requirements of 14 CCR § 1052.4(e), requirements of PRC 4291, and~~  
5 ~~other requirements for dominant and codominant trees under subsection~~  
6 ~~14 CCR § 1052.4(d) and (d)(1)-(4), s~~Surface and ladder fuels in the  
7 harvest area, including logging slash and debris, brush, small trees,  
8 and deadwood, that could promote the spread of wildfire shall be  
9 treated to achieve standards for vertical spacing between fuels,  
10 horizontal spacing between fuels, maximum depth of dead ground surface  
11 fuels, and reduction of standing dead fuels, as follows:

12                   **1.** Ladder and surface fuels, excluding residual  
13 stand dominant and codominant trees, shall be spaced to achieve  
14 vertical clearance distance of eight feet or three times the height of  
15 the post harvest fuels, whichever is the greater distance, measured  
16 from the base of the live crown of the post harvest dominant and  
17 codominant trees to the top of the surface or ladder fuels, which ever  
18 is taller.

19                   **2.** ~~Ladder and surface~~ fuels, excluding residual  
20 stand dominant and codominant trees, shall be spaced to achieve  
21 horizontal clearance distance of two to six times the height of the  
22 post harvest fuels measured from the outside branch edges of the  
23 fuels. On ground slopes of zero percent to 20 percent horizontal  
24 clearance distance shall be two times the height of post harvest  
25 fuels; on ground slopes of greater than 20 percent to 40 percent  
horizontal clearance distance shall be four times the height of post

1 harvest fuels; on ground slopes of greater than 40 percent horizontal  
2 clearance distance shall be six times the height of post harvest  
3 fuels.

4 3. Dead surface fuel depth shall be less than 9  
5 inches.

6 4. Standing dead or dying trees and brush shall  
7 generally be removed. Such material, along with live vegetation  
8 associated with the dead vegetation, may be retained for wildlife  
9 habitat when isolated from other vegetation.

10 (B) This subsection applies to geographic areas listed  
11 in 14 CCR § 1052.4 (c)(3), (4), (5), and (7) and to areas between 500  
12 feet to 1320 feet of structures in 14 CCR § 1052.4(c)(1).

~~Notwithstanding wildlife habitat requirements of 14 CCR § 1052.4(e):~~

13 1. Dead fuels, excluding dead branches on trees  
14 retained for stocking, shall be treated to achieve a minimum clearance  
15 distance of 8 feet measured from the base of the live crown of the  
16 post harvest dominant and codominant trees to the top of the dead  
17 fuels.

18 2. All logging slash created by the timber  
19 operations shall be treated to achieve a maximum post harvest depth of  
20 9 inches above the ground.

21 (C) Treatment conducted under this subsection shall not  
22 supersede requirements of PRC § 4291.

23 (6) Fuel treatments shall include chipping, removal or  
24 other methods necessary to achieve the fuel hazard reduction standards  
25 in this section, and shall be accomplished within 120 days from the  
start of operations except for burning operations, which shall be  
accomplished by April 1 of the year following surface fuel creation.

(e) As part of the preharvest project design, the RPF shall  
evaluate and incorporate habitat requirements for fish, wildlife and

1 plant species in accordance with 14 CCR §§ 898.2, 916.9 [936.9,956.9]  
2 and 919. Such evaluations shall include use of the California Natural  
3 Diversity Database (as referenced by the California Department of Fish  
4 and Game, <http://www.dfg.ca.gov/whdab/html/cnddb.html>) and local  
5 knowledge of the planning watershed. Consultation with California  
6 Department of Fish and Game personnel is recommended. Examples of  
7 habitat requirements to be incorporated into the project include  
8 retention of large woody debris and snags congruent with emergency  
9 condition goals, and vegetative screening for wildlife cover and  
10 visual aesthetics.

11 (f) Operations conducted concurrently in the same geographic area  
12 (ref. 14 CCR § 1052.4(c)) pursuant to 14 CCR § 1038(b) shall not remove  
13 diseased trees in excess of the diameter limit required under 14 CCR §  
14 1052.4(d)(2).

15 Note: Authority cited: Sections 4551, 4551.5, 4552, 4553, 4592 Public  
16 Resources Code. Reference: Sections 4513, 4554, 4555, 4561, 4562,  
17 4584, 4592, 21001(f), 21080(b)(4) Public Resources Code.

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